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Building trust in government in pursuit of the sustainable development goals: what will it take?

Promoting accountable institutions, ethical leadership and integrity to enhance confidence in efforts to deliver sustainable development

Note by the Secretariat

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Promoting accountable institutions, ethical leadership and integrity to enhance confidence in efforts to deliver sustainable development

Summary

The present paper recalls the concepts of ethical leadership, integrity, transparency and accountability in public administration and highlights their linkages with sustainable development. The paper also discusses what it will take, from international, national, regional and local perspectives, to establish an enabling environment for sustainable development based on such principles.

The paper concludes that there is a need for a national system of integrity which focuses on institutions and actors, is permeated with ethical values and standards, constitutes a framework for monitoring and accountability, and gives priority to public oversight. Procedural, institutional and social accountability and cultural factors, when taken together, can play an important role in the institutionalization of honest, responsive, accountable and transparent government, and in the consolidation of societies.

In an era of rapid change, global uncertainty and ongoing financial crisis, it is imperative for Governments to implement effective anti-corruption strategies. Governments must also empower individuals and communities, promote greater institutional accountability and transparency, and strengthen the capacity to improve citizen-oriented service delivery. It will be especially important for targeted strategies to be devised that incorporate medium- and long-term objectives, in addition to short-term goals, with a focus on developing the capacity for as many players as possible to participate in meeting such challenges. In these efforts, strong political will and the support and engagement of all stakeholders will be essential.

I. Introduction[1]

1. Our rapidly changing world is becoming increasingly complex, unstable and uncertain, with globalization, liberalization and supranational competition, among many other factors, having a profound influence on Governments and societies at all levels. Positive and negative effects can be witnessed in the form of rapid socioeconomic transformation and integration, the spread of democratization, the digital revolution, the emergence of multidimensional crises, changing population dynamics, urban sprawl, unemployment and pandemics. Democratic deficits; new demands of citizens; the rise in protests, strikes and sit-ins; and revolutions and conflict, together with a lack of resources and manifestations of waste, mismanagement and unethical practices, ultimately present substantial challenges to the pursuit of sustainable development.

2. Government has a decisive role to play, but in a context where these unparalleled transformations are affecting all countries in a variety of ways, often increasing their vulnerability and diminishing their ability to cope with events as they unfold. Together, these forces and effects have had a notable impact on perceptions of public administration, particularly with respect to the satisfaction or dissatisfaction of the public with the quality of services provided. At the same time, some observe a moral crisis in parts of the public sector, with a cause for concern regarding the lack of accountability and the undermining by corruption of democracy and the rule of law.[2] This reflects a real crisis of trust in government.

3. On the basis of the premise that to achieve sustainable development, there is a critical need to promote accountable institutions, ethical leadership and integrity in the public sector, this paper undertakes to review the relevant concepts, and examine why accountable and ethical government is vital and what it takes to promote good governance and thus enhance the confidence of the citizenry in efforts to deliver sustainable development. The paper also attempts to demonstrate that sustainable development may be more achievable with the operation within an enabling environment of appropriate political, social and administrative will.

II. Concepts and dimensions

4. The concepts of public service as an institution, public service as a deliverable and, indeed, public servants as deliverers of public services are central to the building of trust between government and the public. The Organization for Economic Cooperation and Development (OECD) has noted that public service involves public trust, and that citizens expect public servants to serve the public interest with fairness and manage public resources properly on a daily basis.[3] As Amos Durosier, a leading Haitian academic, recently put it in connection with a national review of anti-corruption mechanisms, the public service is the custodian of

[1] Preparation of the present paper was coordinated by Najat Zarrouk, taking into account a discussion among the members of an intersessional group of the Committee of Experts on Public Administration, and drawing extensively on written contributions provided by José Castelazo, Xiaochu Dai, Igor Khalevinskiy, Marta Oyhanarte and Allan Rosenbaum.

[2] See the annual report of Transparency International on corruption, available from www.transparency.org.

[3] OECD, "Trust in government: ethics measures in OECD countries" (Paris, 2000).

public trust and, as such, must be composed of men and women who inspire public confidence. A fair and reliable public service creates a favourable environment for investment, proper functioning of markets, economic growth and job creation.[4]

5. Collectively and individually, States Members of the United Nations have identified ethics, integrity, transparency and accountability as critical components of the founding principles of public administration.[5] These values are interdependent and complementary. As noted by Elia Armstrong: "Integrity, by requiring that public interest be paramount, provides the basis for transparency and accountability. Transparency without accountability becomes meaningless and makes a mockery of sound public administration. Accountability depends on transparency or having the necessary information. And transparency and accountability without integrity may not end up serving the public interest."[6]

6. Many Member States identify integrity, transparency and accountability in their constitutions and relevant laws.[7] This idea is reflected in the enabling document of the United Nations , which calls for paramount consideration of the highest standards of efficiency, competence and integrity in the employment of the staff and in the determination of the conditions of service.[8] Since its adoption by the General Assembly, by its resolution 58/4 of 31 October 2003, the United Nations Convention against Corruption (United Nations, *Treaty Series*, vol. 2349, No. 42146), as the first legally binding global instrument related to corruption, has further ushered in a period of enhanced international cooperation in this domain.

Ethics and ethical leadership

7. It has long been recognized that ethics is integral to public administration and is an implicit prerequisite for public trust in government administration. Ethics comprises the system of values that constitutes the basis for a society and guides the organization, leadership, conduct and management of public or private affairs, as well as addresses the public interest with regard to such functions. It is a practical and normative discipline which aims at defining how persons — in this case, public officials — should behave according to the norms of morality and integrity.

8. Ethics and leadership have often been thought of as mutually reinforcing concepts. Within the public sector, where leaders are held accountable to citizenry

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[4] Amos Durosier, "Conflit d'intérêt, comportement éthique pour la bonne gouvernance", presentation for an onsite visit by the preliminary review subgroup for the Republic of Haiti of the Organization of American States Committee of Experts of the Mechanism for Follow-up of the Inter-American Convention against Corruption, Institut des Hautes Etudes Commerciales et Economiques, Port-au-Prince, April 2014. Available from http://www.oas.org/juridico/pdfs/mesicic4_hti_sc_amos.pdf.

[5] Elia Armstrong, "Integrity, transparency and accountability in public administration: recent trends, regional and international developments and emerging issues", Department of Economic and Social Affairs of the United Nations Secretariat, August 2005. Available from www.unpan.org/Standards/Codes.

[6] Ibid., pp. 1-2. See also Antonio Bar Cendon, "Accountability and public administration: concepts, dimensions, developments" (Maastricht, Netherlands, European Institute of Public Administration (Eipa), n.d.).

[7] For example, see article 154 under title XII (Of good governance) of the Constitution of Morocco (2011).

[8] See Article 101 (3) of the Charter of the United Nations.

and other stakeholders, they are expected to conform in their every detail to standards higher than those aligned with personal morality.[9]

Integrity

9. Integrity is the fundamental factor underlying the ability of Governments to provide a trustworthy and effective framework for the conduct of the economic and social life of their citizens.[10] It helps to enhance the quality of decisions taken by the public authorities and to maintain trust in them. It encompasses honest behaviour, trustworthiness, uprightness, commitment to the duties of justice, equity, ethics and morality in respect of the discharge of official duties. It represents the antithesis of corruption and the abuse of office.[11]

10. Indeed, ensuring integrity means ensuring that the behaviour of public servants is in line with the public purposes of the organization in which they work; that daily public service operations for businesses are reliable; that citizens receive impartial treatment on the basis of legality, justice and equity; that public resources are effectively, efficiently and properly used; that decision-making procedures are transparent to the public; and that measures are in place to permit public scrutiny and redress.[12]

Transparency

11. Transparency entails unfettered access by the public to timely, accessible, reliable and accurate information on decisions and performance in the public sector. It is characteristic of Governments, companies, organizations and individuals that are open in terms of the clear disclosure of information, rules, plans, processes and actions.[13] The fundamental principle of access to information is indeed a sine qua non for and an integral basis of democracy, rule of law and fundamental human rights and freedoms. The right of access to information is widely recognized as one of the cornerstones of good governance, participatory governance and citizen engagement, as well as an important tool for fighting corruption. The denial of this right, including non-compliance, non-respect and non-implementation, provides fertile ground for incompetence, opacity, mismanagement, waste and corruption in the public sphere.

Accountability

12. Accountability consists in ensuring that officials in public, private and voluntary sector organizations are answerable for their actions and that redress can

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[9] See Lindsey Marie McDougle, "Understanding and maintaining ethical values in the public sector through an integrated approach to leadership". Available from www.ipa.udel.edu/3tad/papers/.

[10] OECD, "Trust in government".

[11] The Values and Ethics Code for the Public Sector of the Treasury Board of Canada Secretariat (which came into force on 2 April 2012) considers integrity "the cornerstone of good governance and democracy". Officials, "by upholding the highest ethical standards", maintain and strengthen "public confidence in the honesty, fairness and impartiality" of the public sector. See www.tbs-sct.gc.ca. Other, similar examples of codes of ethics or conduct are available from the United Nations Public Administration Network (UNPAN) website.

[12] OECD, "Trust in government", summary, p. 11.

[13] See www.transparency.org; and http://www.transparency-initiative.org/about/definitions.

be secured when duties are not fulfilled and commitments are not met.[14] Ideally, accountability systems should provide for transparent reporting, identification of causes of shortfalls, and processes for correcting forms of behaviour so as to bring them into closer conformity with standards.[15]

13. There are many ways in which people and organizations may be held accountable. One appropriate and effective accountability framework comprises the following components: standards-setting for the expected behaviour, the criteria according to which people and organizations may be validly judged; exploratory investigation to determine whether or not the standards have been met; and answerability as a process through which people and organizations are required to defend their actions, respond to scepticism as expressed during questioning, and explain themselves generally. This framework encompasses both negative or critical and positive feedback, and a process of applying sanctions and rewards, whereby they are punished in some way for failing to conform to established standards, or rewarded for achieving — or exceeding — them.

14. However, accountability is not only a set of institutional mechanisms or a checklist of procedures, but also an arena of challenge, interaction, contestation and transformation.[16] This is why it is important that different types of accountability structures be recognized. Within those structures, success and impact are most often achieved not through just one of these approaches, but through their interdependence and progressive interaction. Accountability structures encompass:

(a) Democratic accountability, which entails the accountability of elected politicians to citizens through elections and other means;

(b) Vertical accountability, which operates both upward towards superiors and downward towards subordinates. As a traditional model of accountability, it is internal to government;

(c) Horizontal accountability, which applies in the field of service delivery arrangements. It becomes necessary when "third parties" (private sector and/or not-for-profit organizations) collaborate or partner with government to deliver services to citizens based on a contractual, collaborative or network relationship;

(d) Diagonal accountability, which operates in-between the vertical and horizontal dimensions and entails direct citizen engagement with horizontal-accountability institutions with a view to ensuring better oversight of State actions.[17]

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[14] See http://www.transparency-initiative.org/about/definitions, where Jonathan Fox provides a useful definition of "accountability politics" as "the arena of conflict over whether and how those in power are held publicly responsible for their decisions".

[15] According to Paul L. Posner, Director of the Master's in Public Administration program at George Mason University, Arlington, Virginia.

[16] See http://www.transparency-initiative.org/about/definitions.

[17] See *Citizen Engagement Practices by Supreme Audit Institutions: Compendium of Innovative Practices of Citizen Engagement by Supreme Audit Institutions for Public Accountability* (United Nations publication, Sales No. 13.II.H.2), p. 7; see also http://www.transparency-initiative.org/about/definitions.

15. Thus defined, these concepts, as fundamental commandments,[18] are of central importance to the international community and Member States as they progress towards achievement of the Millennium Development Goals by the end of 2015 and transition to the sustainable development goals in the post-2015 period.

III. Integrity, ethical leadership, transparency, accountable institutions and sustainable development

16. Having recognized good governance, including accountability, as a pathway towards achieving the Millennium Development Goals and improving the lives of the poor and vulnerable, the international community is increasingly prioritizing it as an end in itself within the context of pursuing the sustainable development agenda beyond 2015.

17. It is widely acknowledged that the pursuit of the Millennium Development Goals has given the most successful global anti-poverty push in history; and significant and substantial progress has been made in meeting many of the targets.[19] Nevertheless, one year before the deadline, the world is falling short in terms of reaching these targets, especially in Africa, where abject poverty persists in areas where: lack of health care and education still deprives people of productive employment; environmental resources have been depleted or spoiled; and corruption, conflict and bad governance waste public resources and discourage private investment.[20] The example of the health sector in Africa is quite revealing in this respect and observations thereon could easily be generalized to encompass other public functions relevant to the Millennium Development Goals.[21]

18. The reasons for poor performance in achieving the Millennium Development Goals are "governance weaknesses, poverty traps — false diagnoses and unrealistic expectations, uneven development — access to and distribution of resources, and policy gaps". Governance weaknesses are associated, inter alia, with the issues of trust in government which provides social cohesion and the existence of a national ethos and commonly shared core values. The presence of a service-oriented public sector, basic to meeting the Millennium Development Goals, "depends on the integrity, transparency and accountability of public institutions".[22]

19. The main damage caused by corruption and ethical breaches entails the undermining of the trust of citizens in their institutions and the destruction of their

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[18] See Kenneth Kernaghan and John W. Langford, *The Responsible Public Servant*, 2nd ed. (Toronto, Canada, Institute of Publication Administration of Canada, 2014), p. 1.

[19] *The Millennium Development Goals Report 2013* (United Nations publication, Sales No. E.13.I.9), foreword.

[20] Ibid, p. 7.

[21] According to Martina Vignotto: "Corruption, embedded in Africa's political economy, becomes a developmental issue that prevents the African Continent from improving its health condition. 'Big-time corruption' at highest levels of government begets 'quiet corruption' at the frontline of public health service provision, through misconducts going beyond big monetary transactions, such as health staff absenteeism, drugs theft, counterfeiting and bribes to patients. Yet, since quiet corruption directly affects a large number of beneficiaries, it has conceivably deeper consequences on African households." See Martina Vignotto, "Fragile states facing the problem of health and development: a focus on Africa" (Venice, Italy, Università Ca' Foscari Venezia, 2014). Available from http://hdl.handle.net/10579/4689.

[22] Elia Armstrong, "Integrity, transparency and accountability in public administration".

credibility. The presence of exemplary public office holders is indeed one of the conditions for trust in democracy, national cohesion and citizen engagement.[23]

20. The values of good governance and sustainable development as prerequisite not only buttress responsive public policy and high levels of public sector performance but also play a crucial role in preventing the onset of systemic corruption. There is now international recognition of, and consensus on the fact that, weak governance and corruption impede economic development, undermine stability and erode trust in public institutions.

21. As part of the preparation of the post-2015 development agenda and the sustainable development goals, recent United Nations documents such as the report of the Open Working Group of the General Assembly on the Sustainable Development Goals (A/68/970) and the summary of the first meeting of the high-level political forum on sustainable development[24] have stressed the importance of the rule of law, respect for human rights, individual and collective freedoms, citizen engagement, global partnership, effective participation of all potential stakeholders, promotion of transparency, accountability, effective and efficient institutions, and mobilization of the necessary resources, as facilitators of sustainable development.[25]

22. At its eleventh session, the United Nations Committee of Experts on Public Administration concluded that there is a higher demand for accountability and that there is an important role for citizens in closing accountability gaps,[26] and at its thirteenth session, the Committee of Experts underlined the centrality of transparent, accountable, efficient, effective, citizen-oriented, professional and ethical public administration to the successful implementation of national development policies and the management of development programmes.[27]

23. Sustainable development depends heavily on "the effectiveness of public policies and services, underpinned by efficiency and equity in resources generation, allocation and management" as well as on "the effectiveness of oversight institutions that promote transparency and accountability and the strength of public scrutiny to prevent mismanagement and corruption and optimize government performance".[28] It seems easy to address these issues, but anchoring ethics, integrity, accountability, transparency and accountability in public administration is a very complex matter.

IV. Establishing an enabling environment for sustainable development based on integrity, ethical leadership, transparency and accountability

24. Human nature is such that within any community or society, there will inevitably be a relatively small group of people who will, under no circumstances,

[23] Transparency International France, "Transparence de la vie publique et maintenant?", rapport 2013, p. 8.

[24] A/68/588.

[25] See the report of the High-Level Panel of Eminent Persons on the Post-2015 Development Agenda, entitled "A new global partnership: eradicate poverty and transform economies through sustainable development", 2013.

[26] E/2012/44.

[27] See E/2014/44, chap. I; see also Economic and Social Council resolution 2014/38.

[28] *Citizen Engagement Practices by Supreme Audit Institutions*.

engage in corrupt or ethically challenged behaviour. Similarly, there is likely to be a small group of individuals who will be inclined to act inevitably in a manner that is less than ethical and less than transparent. For the great proportion of the population, the inclination to behave in an ethical, responsible, transparent and accountable manner is likely to be very strongly influenced by the existence of some fundamental prerequisites.[29]

A. Fundamental prerequisites

25. It would be unrealistic to talk about these topics in the absence of an enabling environment underpinned by the following main pillars:

(a) Forging a new global and ethical partnership at all levels, which requires a new spirit from national leaders and from many other players, among them, international organizations, governments, local administrations, business, academia, civil society, unions and the media, conducive to their adopting new mindsets and changing their behaviour, with a shared, common and uniformly ambitious vision,[30] in the spirit of the United Nations principles and values and the ambitions of the post-2015 development agenda;

(b) Embodying the State and its various national and local institutions through democracy, rule of law, constitutional and legal frameworks, separation and collaboration of powers, order, security, respect for universally recognized human rights, respect for the principles of good governance and participatory governance, coherence, coordination and synergy among public bodies and policies. This is particularly crucial for States in post-conflict situations or in democratic transition, as is the case for some countries in the Arab world;

(c) A visionary, committed, transformational, galvanizing and ethical leadership at all levels, especially in the public sector;

(d) Undertaking a complete, coherent and sustainable reform of the public sector, prioritizing the developing countries, countries in post-conflict situation or in democratic transition, and building on the achievements;

(e) Investing in information and communications technologies and e-government by setting up, inter alia, appropriate strategies and adequate institutions, infrastructures, resources, databases, training and capacity-building programmes, and mechanisms of regulation;

(f) Empowering human capital and citizens, through education, training, capacity-building, enforcement, socialization, organization and networking of the various components of civil society;

(g) Investing in and promoting the participation, involvement, commitment and engagement at all levels, of: State institutions, non-governmental institutions, citizens, civil society including the private sector, non-governmental organizations, media, academia, unions, cooperatives, voluntary charitable organizations, minorities and the informal sector.

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[29] This passage draws heavily upon a paper prepared by Professor Allan Rosenbaum, entitled "On promoting accountable institutions, ethical leadership and integrity to enhance confidence in governance capacity to effectively deliver public service in a sustainable manner".

[30] Report of the High-Level Panel of Eminent Persons on the Post-2015 Development Agenda, pp. 5 and 9.

26. Beside considering these foundations of any democratic system that aspires to stability, peace, progress and sustainable development, it may be helpful to consider as well the undertaking of a holistic approach to countering corruption by establishing a national integrity system (NIS) as.[31] A national integrity system should consist of the principal institutions and actors, including the legislature, the executive, the judiciary, law enforcement, electoral management bodies, audit institutions, anti-corruption agencies, political parties, the media, civil society organizations and business. These institutions and organizations would then contribute, complementarily and interdependently, to enhancing integrity, transparency and accountability in a society, and would affect in the same way the three spheres of rule of law, sustainable development and quality of life.

27. According to Transparency International:

> "(A) well-functioning NIS provides effective safeguards against corruption as part of the larger struggle against abuse of power, malfeasance, and misappropriation in all its forms. However, when these institutions are characterised by a lack of appropriate regulations and by unaccountable behaviour, corruption is likely to thrive with negative ripple effects for the societal goals of equitable growth, sustainable development and social cohesion. Strengthening the NIS promotes better governance across all aspects of society, and, ultimately, contributes to a more just society overall."[32]

The system should be supported, strengthened and consolidated by an ethics infrastructure, as embodying another holistic approach and one cornerstone of a comprehensive strategy focusing on the field of ethics and values in the public sector.

28. It should be noted that the recommendations of OECD are made in the context of rich countries. Therefore, these recommendations should take into account the realities and specificities of various developing countries, for most of them will not easily and quickly adopt the philosophy those recommendations reflect and the practices involved. This is why some critical factors for discouraging corruption and encouraging accountability, and ethical, transparent and responsive behaviour, especially on the part of public employees and government officials, are by nature contextual, as regards the developing countries, countries in post-conflict situation and countries in democratic transition.

29. At the same time, as an important body of research suggests, democratic societies are likely to have less, rather than more, corruption, although this is not, per se, because they are democratic. Rather, it is because they are much more likely to have put in place, and to continue to put in place, numerous safeguards which help to create a culture of anti-corruption.[33]

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[31] Jeremy Pope and Transparency International, "The Transparency International source book", first edition, 2000. Available from http://archive.transparency.org/policy_research/nis#sthash.6psOm3eB.dpuf.

[32] Petter Langseth, Rick Stapenhurst and Jeremy Pope, "The role of a national integrity system in fighting corruption" (Washington, D.C., Economic Development Institute of the World Bank, 1997). Available from http://archive.transparency.org/policy_research/nis.

[33] See Allan Rosenbaum, "Promoting accountable institutions, ethical leadership and integrity"; see also Milena I. Neshkova and Allan Rosenbaum, "Advancing good government through *fighting corruption*", *chap. 6 in Handbook of Public Administration*, 3rd. ed., James L. Perry and Robert K. Christensen, eds. (Hoboken, New Jersey, Wiley, March 2015).

B. Main factors contributing to the promotion of accountable institutions, ethical leadership and integrity[34]

30. The main factors contributing to the promotion of accountable institutions, ethical leadership and integrity fall into four general categories: procedural factors, which include various policies that regulate individual behaviour, performance and relationships; institutional arrangements that have been established as part of the process of democratic institution-building; social accountability and public control; and cultural factors, i.e., the qualities, norms and values of any society.

31. Procedural elements should be examined first because they are the easiest and quickest to implement and, if implementation is carried out in a rapid and committed fashion, there can be a significant immediate impact. However, they are perhaps the least consequential over the long term, owing to the fact that procedures established by a government, or by one of its agencies, can be rapidly changed, ignored or subverted. Consequently, there are a myriad of procedural arrangements that have been adopted by Governments around the world, especially in more developed democratic settings. Such factors tend in general to fall under two very broad categories: access to information; and the regulation of the individual behaviour of public officials and governmental employees.

Providing access to information

32. According to Andrew Puddephatt, Director of Global Partners and Associates and a staunch defender of the right to information, information is the oxygen of democracy. For Joseph Stiglitz, Nobel Prize laureate, information is a public good and the better informed we are about what is going on in our society, the more effective will be the development of democratic States. Democracy and accountability are among the key indicators for measuring the quality of State administration. Establishment of the basic environment required in this regard depends on a knowledgeable citizenry whose access to a range of information enables them to participate more fully in public life, help determine priorities for public spending, receive equal access to justice, and hold their public officials accountable.

33. The concept of transparency has taken various forms over a long number of years.[35] The difference today stems from the presence and worldwide use of information and communications technologies (ICTs) and the positive impact of the digital revolution through which citizens are provided with timely and truly open access to government information. However, the traditional means of communications are still useful and relevant to countries that are facing problems of poverty, exclusion, vulnerability, illiteracy and disability.

34. Some practical considerations should be taken into account in this area, keeping in mind the existence of several international standards, as compiled in *The Public's Right to Know: Principles on Freedom of Information Legislation*,

[34] Milena Neshkova and Allan Rosenbaum, "Advancing good governance through fighting corruption" (see note 33 directly above).

[35] For example, in the United States of America, the Freedom of Information Act dates back to the mid-1960s.

International Standards Series (London, ARTICLE 19, June 1999,[36] such as maximum disclosure, primacy of the duty of disclosure, obligation to publish, promotion of transparency, a limited regime of exceptions, definition of the modalities and processes in respect of how to access, open meetings, and protection of whistle-blowers:

(a) The need for appropriate emphasis to be given to the three phases of developing an access-to-information culture: passage, implementation, and enforcement, with a complementary focus on encouraging the law's use; otherwise, this becomes simply a "check the box" exercise and does not increase citizen trust or government accountability;

(b) Establishment of procedural arrangements: implementation of open-records laws, requiring open meetings and holding of public hearings generally and especially on governmental budgets, and provision of extensive, relevant documentary information to enable the citizenry to accurately assess the activities of their government and those who represent them at both national and local levels, and inside and outside the country;

(c) Institutionalization of various kinds of administrative procedures that ensure the extensiveness and adequacy of the information that will be produced by government agencies, through, for example, information management, performance measurement and planning, and programme budgeting systems, as well as various innovations: for example, making available better and more-detailed agency reports and informational documents can be helpful, especially in those institutions where either the local media or non-governmental organizations have developed some level of investigative capacity;

(d) Ensuring the availability of full, adequate, timely and updated information on governmental activities, at all levels, especially on government financial transactions;

(e) Considering the context, idiosyncrasies and constraints of each country, the need to derive maximum benefit from the diversity and accessibility of tools of information and communications technologies currently available, even in the remotest corners of each country, without neglecting traditional means of information and communication;

(f) Instituting adequate investigations on the ethical behaviour of government officials and public employees, through the establishment of internal and external audit arrangements, the conduct of legislative oversight activity and the requirement of direct executive responsibility for governmental performance;

(g) The necessity for balancing access to information with protection of personal privacy and narrowly defined State interests;

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[36] The principles are set out in annex II (entitled "The public's right to know: principles on freedom of information legislation") of the seventh report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression (E/CN.4/2000/63). The principles were endorsed by the Special Rapporteur in para. 43 of the report.

(h) Noting, however, that the effectiveness of the exercise of this right is directly proportional to the extent of development of citizens' civic culture and to the extent of a country's democratic development.[37]

35. Improvements in respect of these variables entails travel over a long road. The complexities associated with the undertaking will demand responsible effort on the part of every sector of society. The existence of the law in itself is not sufficient to expand the full exercise of this right, if there is not a constant awareness of how "public secrets" affect our daily lives, if the demand for information by citizens is not generated, and if the law, where it does exist, is not effectively implemented and/or respected. Access to information under legal, reasonable and optimal conditions, allows citizens to perceive themselves as stakeholders in government and public service action.[38] Hence, the most difficult challenge is to change mentalities and to improve civic culture so as to bring about the effective exercise of this right.

Regulating officials' behaviour

36. A second major approach is to regulate the behaviour of government employees and public officials, which requires first identifying (i.e., determining through exhaustive investigation) which officials are concerned. It seems that so far such regulation is limited only to officials of Governments and central administrations. The scope should be broadened to include national and local administrations, elected officials and any other public body invested with a public service mission or benefiting from public resources. It is also necessary to ensure that an "audit the auditors" approach is in place, since auditors are not immune to engagement in unethical practices. Frequently, such regulation is conducted through a public service charter or codes of ethics, which has given rise to an in-depth debate and several reservations on the part of practitioners and scholars in respect of their usefulness, content, ownership and implementation, as well as their authority in cases where they are criticized or simply ignored.[39] Nonetheless, there may be

[37] According to the publication entitled "*Los 18 desafíos que plantea la realidad Argentina*" (Buenos Aires, United Nations Development Programme, 2002), the 2002 UNDP report on human development in Argentina, only 1 per cent of the citizens interviewed mentioned the right to information as relevant to democracy. Hence, the most difficult challenge is to change mentalities and to improve civic culture so as to ensure the achievement of the effectiveness of this right.

[38] See John Graham, Bruce Amos and Tim Plumptre, "Governance principles for protected areas in the 21st century" (Ottawa, Institute on Governance, 30 June 2003), p. 2.

[39] See James H. Svara, "Who are the keepers of the code? articulating and upholding ethical standards in the field of public administration", *Public Administration Review*, vol. 74, No. 5 (September/October), pp. 561-569. In that article (p. 564), Svara states: "We can choose the way of the codes, the administrative regulation, and the statute, or we can follow Moses (Robert, that is) when he says firmly: '... what we need is better men, not more laws to guarantee their competence and honesty'". Along the same lines, according to a study by the Department of Economic and Social Affairs of the United Nations Secretariat (1999-2000) on the Charter for the Public Service in Africa, adopted in 2001, at national level, legislative and administrative standards for public servants were in place but were often outdated, not well communicated and not well institutionalized. See Division for Public Economics and Public Administration, Department of Economic and Social Affairs of the United Nations Secretariat, "Public service ethics in Africa", vol. I (ST/ESA/PAD/SER.E/23).

several good practices being engaged in around the world which could serve as examples.[40]

37. The articulation of public service charters or codes of ethics should be centred around a package of values and standards covering the general principles, vision, values and mission of the organization; definitions, objectives, principles and issues of public life such as the public interest, selflessness, integrity, objectivity, neutrality, accountability, openness, honesty, leadership; conflicts of interest and disqualification; disclosure of assets, gift reports and other restrictions on favours; confidentiality and discretion, political activity, and anti-nepotism; duties of the public service and administration, and codes of conduct for public service agents and their rights; management and development of human resources; implementation and monitoring mechanisms; and sanctions and award systems.[41]

38. Such arrangements should encompass, first and foremost, the sensitive public sphere of procurement of supplies, equipment and facilities for government; how government services are provided to the public and how the programmes responsible are managed; and political activities. In many countries, public employees, by law, are not allowed to engage in partisan political activity and are therefore assumed to be less susceptible to efforts to manipulate governmental activities in such a manner as to benefit one political party, or set of individuals, at the expense of another.[42] At the same time, procedural safeguards designed to protect whistle-blowers cannot be neglected.

39. This also presumes the existence of adequate investigative capacity. For example, it is typical, especially at the local government level, for government officials to contract private sector accounting and auditing firms to review the effectiveness and integrity of financial and administrative procedures. The companies contracted to undertake reviews should themselves be subject to legal prosecution if their reports are found to reveal negligence or are misleading. Likewise, various oversight procedures should be in place internally, i.e., within the government itself.

Addressing institutional factors

40. In principle, a government institution that is accountable and transparent should be reliable. It cannot operate in a vacuum but relies on a larger system whose basis is the rule of law. The legitimacy and ethics of a system of public administration are grounded primarily in the law, which is, in turn, based on the constitution, a basic social pact that guarantees citizens' rights and sets out the guiding principles and values of the system, relating, for example, to an appropriate separation of powers, an adequate set of checks and balances, the means of transferring power, and guarantees of transparency and accountability.

41. The constitution of every country should also provide legally for regulated sustainable development in order to enable the construction of a legal framework that at once fosters and directs the course of sustainable development, while

[40] See, for example, public service charters and codes of conduct cited by the United Nations Public Administration Network at http://www.unpan.org/Standards/Codes.

[41] See OECD, "Principles for managing ethics in the public service, adopted by the OECD Council in 1998. Available from, www.oecd.org/governance/ethics/1899138.pdf.

[42] Morocco's general statute of the civil service adopted in 1958 contains the same provision.

specifying the rights and obligations of the public sector, organized civil society, individuals and citizens in general. In this context, a transversal strategy has the best chance of guaranteeing sustainable development, promoting as it does a proactive system of organization which is capable of establishing long-term structural and functional connections and codes of professional responsibility.

42. This system of organization should be replicated by all branches of government, as well by the national, subnational and local levels of governance, taking into account their essential differences and responsibilities. Along the same lines, countries should maintain the same openness and engagement in dialogue with their peers in the international arena. Confidence in such an institutional vision is rooted in the complex democratic political system that spawned it and that lends it credibility.

43. **Separation of powers**. One of the most important structural arrangements serving to help ensure responsive and accountable government consists in the distribution of the functions of contemporary government among different branches and levels so as to enable the separation of powers and authority. As Lord Acton, the nineteenth-century British political analyst, once commented: "Power corrupts; absolute power corrupts absolutely".

44. **Collaboration and cooperation between powers**. Inter-institutional and intergovernmental cooperation requires a method of ordering, aligning and legalizing a myriad of efforts and processes so as to rationalize administrative tasks, with a view to enhancing confidence at different moments in time, and in a multitude of ways and under diverse circumstances, as well as specific programmes with concrete budgets and leaders. *Cooperation* is the key word here, for it is only cooperation based on understanding, respect and tolerance that can contribute to enhancing coherence in the public sector and resolving conflicts, with all parties protected under the umbrella of the law. Through effective cooperation among government agencies — especially if civil society is involved in the process — real problems affecting communities can be addressed.

45. **Integrity goes hand in hand with responsibility**. Responsibility and integrity in the public sector go hand in hand. Responsibility is critical, especially in positions of authority, and is inherent in public sector professionalism. This is especially the case in the decision-making process, which involves" the responsibility of the public administration system, encompassing its institutions, the people who run them and their staff. Guaranteeing that the greater public good prevails over individual interests should be the main responsibility of any State. While integrity, by itself, signifies honest behaviour, what is more important is to link integrity with ethical, honourable and institutional performance.

46. **Promoting professionalism in the public sector**. Professionalism encompasses both the professionalism of personnel as public servants and institutional professionalism, that is to say, it is predicated on a work environment that is conducive to the restoration and maintenance of trust, both among public servants and in their relations with society at large. Implementation of the "open office" concept, for example, can increase transparency and mitigate perceptions of hierarchy.

47. The ability to handle conflicts, whatever their nature, is the litmus test of any system, but it is impossible to handle such conflicts in the absence of an effective

civil protection policy, which, in turn, requires national institutions that complement international assistance. It is difficult to talk of sustainability without mentioning democracy and the rule of law, for all three are connected and require solid institutions with personnel whose day-to-day commitment to fulfilling their duties personnel is unwavering.

48. **Decentralization of governmental institutions**. Many established democratic Governments, particularly those that are well known for responsiveness and integrity in terms of their performance, rely very heavily upon decentralization of governmental institutions at regional and/or local levels. Examples in this regard are the Scandinavian countries, the United States of America and some countries of Africa like Morocco and Senegal, where a very high proportion of governmental expenditures are effected at the subnational level, thereby providing citizens with the opportunity to acquire a more detailed understanding of the activities and workings of their government. This in turn not only offers individuals the possibility of establishing a closer, more meaningful relationship with the people who are working in the government at the level that is closest to them, but also facilitates a better understanding of, and an easier access to, information about government and its programmes.[43]

49. **Creation of oversight, audit and investigation institutions** to provide for extraordinary institutional oversight of governmental activities. For example, the institution of the ombudsperson was introduced by the Scandinavian countries. The ombudsman is a highly independent government official, whose extraordinary investigative powers enable him or her to determine whether governmental agencies are acting appropriately in terms of both responsiveness to the citizenry and integrity. Several similar institutions exist around the world, including the United States Office of the Inspector General; the Federal Public Chamber of the Russian Federation at national level, and chambers in some regions that have a variety of rights enabling them to explore different aspects of the work of State bodies and the legislature (federal and regional), as established by the federal law of 20 February, 1995; the office of the ombudsman, Al Wassit, established under the Constitution of 2011 of Morocco; and Tunisia's Commission for Good Governance and Anti-Corruption, established under the Constitution of 2014.

50. Also important in this regard is the authority given to legislative branches, and to judicial branches through grand juries, to carry out their investigative activities unimpeded by the executive branch of government. This also includes a variety of institutional arrangements which involve private citizens directly in the operation and practice of government, such as citizens boards established to advise, oversee and, in some cases, actually make critical policy decisions for government agencies. Also at the local level, many Governments have arrangements whereby individual citizens can initiate a process for the removal of public officials from office by obtaining a designated number of petition signatures. The example of the Constitution of Morocco, which recognizes this right of citizens at both national and local levels, can be highlighted in this regard.

[43] See the Global Network of Cities, Local and Regional Governments website (www.uclg.org).

Focusing on social accountability and public oversight

51. There is a difference between formal accountability systems, based on audit and management control, and social accountability. If a Government is interested in acting to ensure the trust of citizen in its institutions, then confidence-building mechanisms must be at the top of its agenda. Therefore, the State must establish a framework in which citizens' engagement can develop within an accountability relationship. The element of citizens' engagement, which is at the core of social accountability, can be understood to consist in citizens' involvement in the types of actions and programmes created by a Government to promote and include their participation in various dimensions of public policy. One of these dimensions is social accountability. Citizens' engagement that is committed to supporting social accountability can enable the poorest and most vulnerable citizens to articulate their needs and thus help to improve public decision-making and public service delivery. Giving those people a voice and amplifying that voice institutionally constitute the overall purpose of social accountability.

52. It is equally important to address accountability as a process. A process-oriented approach, therefore, should always include an element of empowerment. Other important criteria for the success of social accountability is the involvement of a plurality of citizens, civil society and organizations and the inclusion of different government actors. The existence of a well-organized, ethical and energetic civil society, which demands honesty and responsiveness from government officials, is a critical factor in promoting governmental integrity and accountability. In this respect, the participation of organized society is essential, at least in determining the relevance of demands and their legitimacy; in helping to organize social entities vis-à-vis a set of public responsibilities in the domain of sustainability; and in assessing the results of the work of the public administration in terms of quantity and quality.

53. Further, without proper public oversight, and without creating conditions for the formation of the social network required for public oversight, the society is unable to normalize the work of the State machinery and succeed in adopting the necessary decisions. Major importance is to be attached to the issues of effective administration of public finances, and effective use of the budget as an instrument of socioeconomic development of a country. Public oversight is a special sphere within the domain of the social responsibility of a developed civil society. In the context of such oversight, citizens become more and more conscious of the need to unite in efforts to protect public interests with regard to the expenditure of resources of taxpayers and administration of national resources, to reject the ineffective work of the State and private structures in the socioeconomic sphere, to promote an increase in transparency, openness of the bodies that wield power and conditions where they are under control, and to create a climate unfavourable to corruption.

54. Public oversight of the activities of the State can encompass, broadly, a set of forms, principles, methods and means of exerting the influence of the civil society over the State. It can also encompass the activities of relevant institutions of civil society, as in cases where public opinion and the mass media place bureaucrats under scrutiny.

55. State institutions and organizations of civil society constitute a single organism. These institutions cannot act in isolation from each other. Any constitution is a sort of treaty between the State and civil society, with the State acting not as the nation's overseer but rather as its representative. The core element

of civil society is the concrete human being. With regard to political parties, as voluntary associations, they embody the institution of representative democracy, ensuring participation of citizens in the political life of the society, and political interaction of civil society and the State. Consideration should be given to the worthwhile prospect of setting up special institutes of civil society, including research and information institutes, which will be tasked with controlling activities. This measure will increase the educational level and the level of expertise of civil society representatives.

56. If these pillars are strong and substantial, they will lead, progressively, to the creation of a culture of accountability and ethical behaviour. If they are not well defined, highly developed and regularly enforced, then there will be a very much greater likelihood of corruption and lack of accountability.

Creating a culture that supports accountable, ethical, responsive and transparent institutions

57. The traditions, values and cultural norms of a society provide a very important — perhaps the most important — means of sustaining the procedures and structures that ensure responsive, accountable, honest and open government. Creating the tradition of a free, open and effective press and strong investigative media as constituting the most important force for encouragement and preservation of integrity and accountable and responsive behaviour in government is of critical importance. Equally important is constitutional or statutory protection of those individuals in the media who call attention to unresponsive and/or inappropriate or illegal behaviour on the part of those within government.

58. Hence, the need for formal training in the public service, which should be provided at the point of induction and on an ongoing basis. Public servants should undergo socialization in terms of ethical norms, standards of conduct and public service values, through education and available role models.

59. In carrying out routine public administration functions, Governments accumulate know-how and experience which, when properly organized, can assist in decision-making and problem-solving in conjunction with society at large, through the transfer of knowledge, which can include everything from training in specific topics to raising awareness, among civil servants and citizens, of the importance of mutual trust. With regard to sustainable development, it is known that promoting the professionalization of the public administration from top to bottom is a priority. Such professionalism fulfils the special function of ensuring the inculcation of new values and principles, which encourage civil servants not just to serve in the interests of the greater public good, but to guarantee sustainability by mastering technical and professional skills and improving their performance.

60. Empowering institutions, at both national and local levels, so that they are capable of pursuing good governance and ethical norms, is also important. This must be carried out in the context of long-term political and financial responsibility, an adequate level of funding, and the involvement of an active civil society. With these factors in place, individual and institutional performance can be strengthened and the trust of citizens in government can be increased. Finally, consolidation of society can enhance respect for State bodies, and is a key component of the social capital that is needed to solve many problems.

Creating monitoring and accountability systems at all levels

61. The experiences and practices of the past demonstrate that it is not sufficient to formulate principles and adopt laws in order to change or redress situations or to propel action in a desired direction. Monitoring and accountability mechanisms are needed at all levels. The following six main messages and themes emerged during the Interactive Dialogue of the President of the General Assembly on Elements for an Accountability Framework for the Post-2015 Development Agenda which can serve as guidelines in this regard:[44]

(a) A new accountability framework is necessary to support the implementation of the post-2015 development agenda. An accountability system should be guided by national ownership and leadership, and also involve all stakeholders. Building institutional capacity and skill sets for data monitoring at the national level is of critical importance;

(b) This framework should go beyond the Millennium Development Goals framework and should close the gaps that were not filled. It not only should be a tool for tracking progress, but should also be intrinsically linked with policy and implementation and be an integral part of the formulation of the post-2015 development agenda;

(c) There is a need to encourage accountability, including peer reviews, at the regional level. Countries in the same region share similar challenges and are likely to make greater progress by addressing them collectively;

(d) National and regional accountability frameworks need to be anchored in a global accountability framework that is simple and focused, and provides clarity on the roles of different actors;

(e) The benefits of a decentralized system of accountability were highlighted with respect to ensuring that all stakeholders take ownership and are incentivized to share, evaluate and adjust their policies;

(f) A multilayered approach could entail working with parliaments at the national level, with peer-review mechanisms at the regional level, and with the High-level Political Forum on Sustainable Development and the Economic and Social Council at the global level.

V. Conclusion

62. The critical role of governance and anti-corruption is recognized and prioritized in the Millennium Development Goals and the global post-2015 development agenda. However, despite the progress made in modernizing the public sector in developed and developing countries, corruption and unethical behaviour persist. They slow down economic development and the achievement of sustainable development. Owing to their complexity, vitality, ubiquity, longevity, resilience and pervasiveness, corruption and unethical behaviour remain a major challenge and no country will be entirely free of their presence.

[44] See http://www.un.org/en/ga/president/68/pdf/5202014Accountability_Framework_Dialogue_PGA_Summary.pdf, pp. 1-2.

63. As it happens, we live in an environment in which both representative democracy and participatory democracy have been shaken by the eruption of a "2.0 culture", which opens paths to a conversational and open model of participatory democracy. The basis of this 2.0 culture is an open government based on the establishment of mechanisms for transparency, collaboration and a participation of citizens that extends beyond a mere exercising of the vote. For the 2.0 tools in public management to be effective, it is necessary to count not only on 2.0 citizens but also on 2.0 politicians and civil servants.

64. First, what is needed to carry out these actions is not only power and authority but a new ethical leadership for the twenty-first century[45] founded on multidimensional values: a new vision, personal integrity, commitment, impartiality, respect for the people, transparency, social responsibility, dedication to service, humility, persistence, creativity, innovation, flexibility, ability to take risks and promote resilience, and understanding of reality. In short, leaders are needed who know how to think out of the box, add value and integrate.

65. Second, to enforce responsible administrative behaviour and deal with corruption and unethical behaviour, the societies that are most concerned about these matters must rely on many different approaches to addressing the issues, and in a holistic manner involving all stakeholders.

66. Third, it should be noted that, once implemented, anti-corruption procedures and measures are not self-sustaining. There is therefore a need for strong political, administrative and societal will, involving the support and engagement of relevant stakeholders as well as the broader public, to enable the creation of the institutional structures and procedural arrangements that can effectively contribute to the building and maintenance of a culture of ethics and accountability.

67. Finally, in an environment characterized by rapid change and global uncertainty, everywhere subjected to the negative consequences of the unfolding financial crisis, it becomes imperative for Governments to develop and implement effective and sustainable anti-corruption strategies, empower individuals and communities, promote greater government accountability and transparency, and strengthen institutional capacity to improve citizens-oriented service delivery. We should acknowledge that success in this field will take time, as it entails a long-term process. Rather than assume that the task of corruption prevention is futile, we should produce accurately targeted strategies which incorporate long- and medium-term objectives as well as short-term goals, with a focus on building and developing the capacity for the participation of as many players as possible in the work of carrying out this task and meeting such challenges.

[45] See OECD, "Public sector leadership for the 21st century: executive summary" (2000).